

A RESOLUTION APPROVING AN INDIVIDUAL
PUBLIC OFFICIAL SURETY BOND FOR THE
BARRETT LAW FUND CUSTODIAN.

WHEREAS, I.C. 5-4-1-18(c) requires that the
Barrett Law Fund Custodian must be bound by an
individual Public Official Surety Bond; and

WHEREAS, I.C. 5-4-1-18(c), said Individual
Public Official Surety Bond must be approved by the
City's legislative body.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Public Official Surety Bond for
the Barrett Law Fund Custodian, a copy of which is
attached hereto, made a part hereof and marked Exhibit
"A," respectively, are hereby approved and ratified.

SECTION 2. That this Resolution shall be in
full force and effect from and after its passage, and any
and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCauley, City Attorney

Read the first time in full and on motion by Henry,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on Finance (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on Wednesday the 21st day
of November, 1995, at _____ o'clock _____ M., E.S.T.

DATED: 11-14-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry,
seconded by _____, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				<u>✓</u>
EDMONDS				<u>✓</u>
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 11-21-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 75-95
on the 21st day of November, 1995

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Don J. Schmitter
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 22nd day of November, 1995,
at the hour of 11:00 o'clock A M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of November,
1995, at the hour of 11:00 o'clock P M., E.S.T.


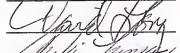

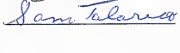
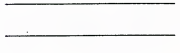
Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. R-95-11-03

REPORT OF THE COMMITTEE ON
FINANCE
THOMAS C. HENRY - CHAIR
MARK E. GIAQUINTA - VICE CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) APPROVING AN INDIVIDUAL
PUBLIC OFFICIAL SURETY BOND FOR THE BARRETT LAW FUND CUSTODIAN

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: 11-21-95

Sandra E. Kennedy
City Clerk



OFFICIAL BOND

No. 1420

Bond #B1831571

KNOW ALL MEN BY THESE PRESENTS, That we, Kathy Friend, (Principal)
1922 Florida Drive, Fort Wayne, IN 46805 and Reliance Insurance Company, 45 Penn
Center Plaza, Philadelphia, PA 19103

are held and firmly bound unto The State of Indiana, and for the benefit of persons concerned or aggrieved, in
the penal sum of Thirty Thousand and No/100----- (\$30,000.00)
Dollars, to the payment of which well and truly to be made, we bind ourselves, our heirs, executors and admin-
istrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 19th
day of September A. D. 1995. The condition of the above obligation is as follows, viz.:

NOW THE CONDITION OF THIS OBLIGATION IS SUCH,

WHEREAS, the above named and bounden Kathy Friend
has been duly elected and commissioned or appointed Barrett Law Fund Custodian in and
for Fort Wayne, Allen County, in the State of Indiana, aforesaid, for the term beginning
from the 1st day of July A. D. 1995 and until his successor
is duly qualified.

Now, if the said Kathy Friend shall faithfully
perform and discharge his duties as such Barrett Law Fund Custodian
and pay over on demand to the persons entitled or authorized to receive the same, all moneys that may come
into his hands as such Barrett Law Fund Custodian
during his continuance in office; and further, that the Legislature may change, modify or repeal any law
now in force, and exact any and all laws during the existence of the above obligation at the pleasure of the
Legislature, without in any way or manner releasing the said officer or his said securities on said bond; then,
and in that case, the above obligation shall cease, be null and void, otherwise to be and to remain in full force
and virtue in law.

<u>Reliance Insurance Company</u> [Seal]	X <u>Kathy Friend</u> [Seal] (Kathy Friend)
By: X <u>Norma J. Hoepfner</u> [Seal] <u>Norma J. Hoepfner</u> <u>Attorney-In-Fact</u> [Seal]	[Seal]
[Seal]	[Seal]

Accepted and approved this _____ day of _____, A. D. 19 _____

State of Indiana, _____ County, ss:

Personally appeared before me, _____
in and for said County and State aforesaid, Kathy Friend
who being sworn, upon his oath says:

"I will support the Constitution of the United States and of the State of Indiana, and I will faithfully,
honestly and impartially discharge the duties of the office of Barrett Law Fund Custodian
_____ to the best of my skill and ability."

Subscribed and sworn to before me, this 17th day of October, 1995

Kathy Friend
Deborah C. Adams

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF INDIANA, Allen COUNTY, SS:

Personally appeared before me, Kathy Friend

principal upon the bond appearing on the reverse side hereof and acknowledges the execution of said bond this 17th day of October, 1995

Richard A. Caudron
Real Manager
Official capacity
RESIDENT OF ALLEN Co.

May 19, 1996
Expiration date of commission, if Notary Public

ACKNOWLEDGMENT OF SURETY

STATE OF Indiana COUNTY OF Allen, SS:

Comes now Reliance Insurance Company by Norma J. Hoeppner,
its ~~XXXX~~ surety upon the bond appearing on the reverse side hereof and acknowledges the execution of said
Attorney-In-Fact
bond this 19th day of September, 1995

Pamela J. Purdy

Pamela J. Purdy

Official capacity

September 21, 1996

Expiration date of commission, if Notary Public

No. 1420

OFFICIAL BOND

To { \$

STATE OF INDIANA

Filed in the _____ Office,

A. D. 19____

and recorded in Bond Record _____

page _____

A. D. 19____



The City of Fort Wayne

Paul Helmke, Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF COMMON COUNCIL

FROM: LAW DEPARTMENT/RISK MANAGEMENT

DATE: November 13, 1995 *Q-95-11-03*

SUBJECT: PUBLIC OFFICIAL SURETY BOND/BARRETT LAW FUND CUSTODIAN

To satisfy I.C. 5-4-1-18(c), the attached resolution is being introduced to Common Council for passage. I.C. 5-4-1-18(c) requires, "The fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians ..." City Controller, Kathy Friend is appointed as the Barrett Law Fund Custodian.

Thank you for your consideration and approval of this resolution.

dcb

THS

INADEQUATE PENALTY — RELEASE OF SURETY — LIABILITY OF SURETY, 5-4-4-1, 5-4-4-5, 5-4-4-6, 5-4-4-12.

ER 1

BONDING — TERMS

SECTION.

5-4-1-4. Oaths — Copy, where deposited.

5-4-1-8. Approval of bond.

5-4-1-18. Individual or blanket bond for employees of political subdivisions.

5-4-1-20. Bond of prosecuting attorney.

DUTIES — Prosecuting attorneys.

before entering on the officer's or clerk's office to support the Constitution of the State of Indiana, and that the duties of such office. A prosecuting attorney shall take the oath before taking office. [1 R.S. 1852, ch.

OATH ON COMMISSION OR CERTIFICATE —

Notary's oath. — (a) The oath required by section 5-4-1-3 of this chapter, shall be taken, signed by the person taking the oath for whom it was taken, who shall have a certified copy of the oath. A copy of the oath shall be recorded on the 1-20 of this chapter and on the 1-20 of this chapter and on the 1-20 of this chapter. [1 R.S. 1852, ch. 13, § 2, p. 166; § 3.]

Deposited. — The certified copy of the oath of this chapter shall be deposited

in the commission, and whose clerk, in the office of the

clerk of a small claims court, in the

officers appointed by the board of county officers that the board may appoint.

with the township trustee, the clerk of the city-county council,

a book kept by the surveyor for this

of the county recorder.

(8) Of a prosecuting attorney, in the office of the secretary of state. (9) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides. [1 R.S. 1852, ch. 13, § 4, p. 166; Acts 1980, P.L. 8, § 29; 1980, P.L. 24, § 2; P.L. 8-1987, § 7; P.L. 49-1989, § 4.]

5-4-1-8. Approval of bond. — (a) The official bonds of officers, if sufficient, shall be approved as follows:

(1) Of county officers required to give bonds, by the clerk of the circuit court unless otherwise specified in this section.

(2) Of county sheriff, county coroner, county recorder, county auditor, county treasurer, and clerk of the circuit court, by the county executive.

(3) Of county assessor, township trustee, and township assessor, by the county auditor.

(4) Of city officers, except executive and members of the legislative body, by the city executive.

(5) Of members of the board of public works or of the board of public works and safety in cities, by the city legislative body.

(6) Of clerk-treasurer and marshal of a town, by the town legislative body.

(b) A person who approves an official bond shall write the approval on the bond.

(c) A bond must be approved before it is filed. [1 R.S. 1852, ch. 13, § 8, p. 166; Acts 1980, P.L. 8, § 32; 1981, P.L. 47, § 2; P.L. 8-1989, § 17.]

5-4-1-12. Defective bonds valid.

NOTES TO DECISIONS

Bond Not Signed by Principal or Surety. The surety. State v. Neiswinger, 524 N.E.2d 21 (Ind. App. 1988).
Surety was not bound on official bond which had not been signed by the principal or

5-4-1-18. Individual or blanket bond for employees of political subdivisions. — (a) Except as provided in subsection (b), the following city, town, county, or township officers and employees shall file an individual surety bond:

(1) City judges, controllers, clerks, and clerk-treasurers.

(2) Town judges and clerk-treasurers.

(3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.

(4) Township trustees and assessors.

(5) Those employees directed to file an individual bond by the fiscal body of a city, town, county, or township.

(b) The fiscal body of a city, town, county, or township may by ordinance authorize a blanket bond to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit including those officers described in subsection (a).

(c) The fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

(1) The amount must equal fifteen thousand dollars (\$15,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE CONTROLLER'S OFFICE

SYNOPSIS OF ORDINANCE APPROVES PUBLIC OFFICIAL SURETY BOND FOR THE
BARRETT LAW FUND CUSTODIAN.

EFFECT OF PASSAGE PUBLIC OFFICIAL SURETY BOND IS APPROVED.

EFFECT OF NON-PASSAGE PUBLIC OFFICIAL SURETY BOND IS NOT APPROVED.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____